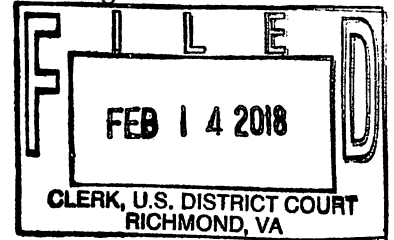


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division



UNITED STATES OF AMERICA)	No. 3:18CR <u>017</u>
)	
v.)	18 U.S.C. § 371 (Conspiracy to Commit
)	Wire Fraud)
SUNIL JIAMAL THAWRANI,)	
a.k.a. SUNIL KUMAR)	Forfeiture Allegation
THAWRANI,)	
)	
Defendant.)	

CRIMINAL INFORMATION

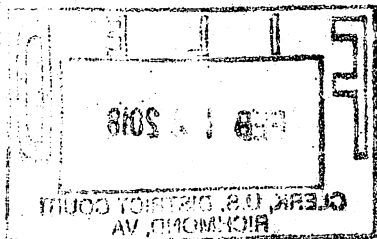
THE UNITED STATES ATTORNEY CHARGES THAT:

INTRODUCTORY ALLEGATIONS

At all times relevant to this information:

1. Beginning in or about January 1, 2015, and continuing until in or about March 8, 2017, in the Eastern District of Virginia and elsewhere, and within the jurisdiction of this Court, the defendant, SUNIL THAWRANI ("THAWRANI"), did unlawfully, knowingly and willfully combine, conspire, confederate, and agree with others, both known and unknown, to commit the following offense against the United States:

- a. with intent to defraud, knowingly devising and attempting to devise a scheme and artifice to defraud and to obtain money and property by means of materially false and fraudulent pretenses, representations and promises, by transmitting and causing to be transmitted certain writings, signs, signals and sounds by means of wire communications in interstate commerce, in violation of Title 18 United States Code, Section 1343.



UNITED STATES DISTRICT COURT
DISTRICT OF COLUMBIA

IN RE: [Illegible]

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[Illegible]

[Illegible]

[Illegible]

2. In furtherance of the conspiracy and to effect the objects of the conspiracy, the defendant, THAWRANI, and his co-conspirators committed and caused to be committed the following overt acts, among others, within the Eastern District of Virginia and elsewhere:

a. At various times beginning on January 1, 2015 and continuing through March 8, 2017, THAWRANI and co-conspirators purchased large quantities of cigarettes at various locations within the Eastern District of Virginia, including: Costco Wholesale Club (“Costco”), Sam’s Club, and BJ’s Wholesale Club (“BJ’s”).

b. THAWRANI owned and operated Noor Wholesale of Farmville, Inc. d.b.a. Sunny’s Wholesale (“Sunny’s Wholesale”), a cigarette wholesale business that sold the cigarettes purchased at Costco, Sam’s Club and BJ’s in bulk amounts to its customers. Sunny’s Wholesale was located at 959-A Myers Street, Richmond, Virginia, 23230, an address within the Eastern District of Virginia.

c. THAWRANI and co-conspirators used several credit cards linked to various processing centers when making the purchases in the Eastern District of Virginia. The credit card purchases—that included American Express and Discover cards—caused interstate wires to be sent from the Costco, Sam’s Club and BJ’s stores located in Virginia to the credit card payment processing centers in Arizona, and Illinois and Texas, respectively.

d. During each purchase, THAWRANI and co-conspirators completed the Form ST-10, or the Commonwealth of Virginia Sales and Use Tax Certificate of Exemption, stating that the cigarettes that they were purchasing from Costco, Sam’s Club, and BJ’s were purchased for resale in the regular course of business and that they would pay the proper taxing authority all taxes due if the cigarettes were used for any purpose which would not exempt the purchase from tax.

e. At the time of each purchase, THAWRANI and co-conspirators intended to sell, and ultimately did sell, the overwhelming majority of the cigarettes purchased at Costco, Sam's Club and BJ's to individuals who sold the cigarettes in locations outside of the Commonwealth of Virginia. The cigarettes purchased by THAWRANI's customers were being transported to jurisdictions outside of the Commonwealth of Virginia and sold as untaxed cigarettes. THAWRANI was willfully blind to this fact.

f. At the time of each purchase, THAWRANI and co-conspirators never intended to collect or pay, and ultimately did not collect or pay, the applicable Virginia Retail Sales and Use Tax for the cigarettes that they sold to out-of-state individuals. Between January 1, 2015 and March 8, 2017, THAWRANI purchased—sales tax exempt—approximately \$24,150,051.91 in cigarettes from Costco, Sam's Club and BJ's. Based on prevailing tax rates, THAWRANI and co-conspirators avoided paying taxes of \$1,301,824.21 to the Commonwealth of Virginia, causing an actual loss to the Commonwealth of Virginia in that amount.

(All in violation of Title 18, United States Code, Section 371.)

FORFEITURE ALLEGATION

Pursuant to Rule 32.2(a) Fed. R. Crim. P., the defendant is hereby notified that, upon conviction of Count one, he shall forfeit to the United States his interest in any property, real or personal, that constitutes or is derived, directly or indirectly, from proceeds traceable to the commission of said violation. If property subject to forfeiture cannot be located, the United States will seek an order forfeiting substitute assets.

Property subject to forfeiture includes, but is not limited to, the following:


The sum of \$1,301,824.21, representing the proceeds of the offense charged to be offset by the forfeiture of any specific property, constituting substitute assets for the proceeds.

If property subject to forfeiture cannot be located, the United States will seek an order forfeiting substitute assets.

(In accordance with 18 U.S.C. § 981(a)(1)(C), as incorporated by 28 U.S.C. § 2461(c).)

TRACY DOHERTY-MCCORMICK
Acting United States Attorney

By:

A handwritten signature in black ink, appearing to read 'Gabrielle M. Michalak', written over a horizontal line.

Gabrielle M. Michalak
Assistant United States Attorney